

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Devaney	Team: Squad #4	CCRB Case #: 202006917	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/18/2020 6:30 PM	Location of Incident: Washington Square South and Laguardia Place	Precinct: 06	18 Mo. SOL 3/18/2022	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 10/17/2020 12:14 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 10/17/2020 12:14 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Mauricio Thomas	26957	945466	SRG 2
3. CPT Bekim Kalicovic	00000	936834	PBMS SU

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. INS Brian McGinn	00000	910284	PBMS
2. POM Derek Bruno	16445	952504	SRG 2
3. POM Dennis Samuels	15871	957128	SRG 3
4. LT Peter Sotiriou	00000	924515	SRG 3
5. POM Manuel Marin	23365	954098	SRG 3
6. POM Donald Harris	18438	957660	SRG 2
7. POM Gregory Schoendorf	03671	949639	SRG 4
8. POF Alexis Martinez	18168	953056	SRG 4
9. POM Jonathan Ku	20058	951890	SRG 4
10. POM Jack Nazaire	6103	968662	028 PCT
11. CPT David Miller	00000	911741	DIS CTL
12. POM Thomas Mosher	02905	949371	SRG 2
13. POF Tyiesha Chapmanbush	27365	948194	SRG 3
14. POM Jesus Munet	18370	958965	SRG 3
15. SGT Jose Troncoso	05573	926225	SRG 2
16. POM Donnell Warren	25237	929338	SRG 4

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against individuals.	
B. Officers	Discourtesy: Officers spoke discourteously to individuals.	

Officer(s)	Allegation	Investigator Recommendation
C.CPT Bekim Kalicovic	Force: Captain Bekim Kalicovic used physical force against § 87(2)(b)	
D.CPT Bekim Kalicovic	Force: Captain Bekim Kalicovic used physical force against § 87(2)(b)	
E.CPT Bekim Kalicovic	Discourtesy: Captain Bekim Kalicovic spoke discourteously to § 87(2)(b)	
F.CPT Bekim Kalicovic	Off. Language: Captain Bekim Kalicovic made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
G.POM Mauricio Thomas	Force: Police Officer Mauricio Thomas used physical force against § 87(2)(b)	

Case Summary

On October 17, 2020, § 87(2)(b) filed this complaint with the CCRB online on behalf of himself, § 87(2)(b) and other unidentified individuals.

On September 18, 2020, at approximately 6:30 p.m., § 87(2)(b) and § 87(2)(b) participated in a protest that ended near Washington Square Park in Manhattan when NYPD officers used physical force against and spoke discourteously to protesters (**Allegation A: Force**, § 87(2)(g) **Allegation B: Discourtesy**, § 87(2)(g) Captain Bekim Kalicovic from Patrol Borough Manhattan South (PBMS) dragged § 87(2)(b) and § 87(2)(b) by their hair (**Allegations C-D: Force**, § 87(2)(g) Capt. Kalicovic spoke discourteously to § 87(2)(b) (**Allegation E: Discourtesy**, § 87(2)(g) Capt. Kalicovic used offensive language toward § 87(2)(b) (**Allegation F: Offensive Language**, § 87(2)(g) Strategic Response Group (SRG) Officer Mauricio Thomas allegedly used force against § 87(2)(b) (**Allegation G: Force**, § 87(2)(g)

§ 87(2)(b) was issued a summons for disorderly conduct (congregating with other persons in public and refusing to disperse by lawful order) and a second summons for disorderly conduct (obstructing vehicular or pedestrian traffic) (Board Review 15).

This case was marked sensitive due to media coverage (Board Review 16).

The investigation obtained one cell phone video (Board Review 01) and 82 body-worn camera (BWC) videos (Board Review 02-03).

Findings and Recommendations

Allegation (A) Force: Officers used physical force against individuals.

Allegation (B) Discourtesy: Officers spoke discourteously to individuals.

§ 87(2)(b) testified that he marched alongside approximately 150 protesters through downtown Manhattan from Foley Square and up to Bleeker Street near Washington Square Park (Board Review 04). The protesters walked on the sidewalks, chanting and yelling. Approximately 200 police officers walked alongside them in the street. The group approached Mercer Playground on Bleeker Street and Mercer Street when officers attempted to apprehend a protester. § 87(2)(b) did not know why the officers attempted to apprehend this individual. The individual ran away from the officers and headed north. The officers and the protesters followed the individual to LaGuardia Place south of Washington Square Park. The officers used bicycles and NYPD vehicles to block the crowd on LaGuardia Place. A long-range acoustic device (LRAD) repeated instructions for the crowd to move to the sidewalk. § 87(2)(b) and the other protesters complied and moved to the sidewalk. The protesters remained on the sidewalk in a standstill with the police for approximately 15 to 30 minutes. The crowd yelled at the officers but never became aggressive. Officers in white shirts gave signals to the officers with bicycles. The officers pushed the crowd backward with their bicycles. Multiple officers told the crowd to “back the fuck up.” There were no additional instructions. Officers pushed the crowd 30- to 40-feet north on the sidewalk until individuals, including § 87(2)(b) fell backward off the curb and into the street at Washington Square Park South.

§ 87(2)(b) a witness, refused to provide a statement to the CCRB. He did, however, provide a cell phone video that he took which captured this portion of the protest (Board Review 01). The video showed SRG officers pushing the crowd of people in a coordinated manner from the beginning of the video until the 3:45 minute-mark of the player’s timestamp when individuals began falling in the street. It is not clear from the video if any officers used profanity toward the crowd.

PO Thomas testified that pushing his bicycle into the crowd in a coordinated fashion was an SRG bicycle unit tactic used to move a crowd (Board Review 05). A high-ranking officer gave PO Thomas and the other officers with bicycles the instruction to move the crowd backward. PO Thomas did not know the officer who gave the order, except that it was likely a captain or lieutenant. PO Thomas denied hearing any officer use profanity toward the crowd.

Capt. Kalicovic testified that he responded to many protests in the summer of 2020 and therefore had difficulty remembering details of this incident (Board Review 06). Capt. Kalicovic did not know who the incident commander, the officer in charge of the NYPD response to this protest, was. He also did not know who the SRG supervisor at the time was. Capt. Kalicovic did not recall SRG bicycle officers at the scene at all.

The body-worn camera videos (BWC) do not clearly show which supervisor gave the instruction for officers to push the crowd (Board Review 02-03).

PO Thomas and other officers in his unit were acting upon the direction of supervising officers who were responsible for the physical force indiscriminately inflicted on the protesters. § 87(2)(g)

Allegation (C) Force: Captain Bekim Kalicovic used physical force against § 87(2)(b)

Allegation (D) Force: Captain Bekim Kalicovic used physical force against § 87(2)(b)

Allegation (E) Discourtesy: Captain Bekim Kalicovic spoke discourteously to § 87(2)(b)

Allegation (F) Offensive Language: Captain Bekim Kalicovic made remarks to § 87(2)(b)

based upon the gender of § 87(2)(b)

§ 87(2)(b) testified that officers pushed him and other protesters to the ground in the street (Board Review 04). § 87(2)(b) stood up and began helping individuals off the ground. As § 87(2)(b) bent down to help another person off the ground, he heard Cpt. Kalicovic say, “This motherfucker right here has been talking shit all day.” Cpt. Kalicovic grabbed § 87(2)(b) by the hair with both hands and pulled. § 87(2)(b) fell to the ground on his stomach. Cpt. Kalicovic stepped backward pulling § 87(2)(b) approximately 10-feet into the street by his hair. PO Thomas grabbed § 87(2)(b) arms and handcuffed him with zip-ties.

The investigation was unable to obtain a statement from § 87(2)(b)

The cell phone video showed that Capt. Kalicovic grabbed § 87(2)(b) by the hair at the 4:07 minute-mark of the player’s timestamp (Board Review 01). Capt. Kalicovic grabbed his hair in the manner that § 87(2)(b) described and pulled him. There did not appear to be any prior interaction between § 87(2)(b) and Capt. Kalicovic.

PO Thomas’ BWC video showed that Capt. Kalicovic grabbed § 87(2)(b) and § 87(2)(b) by the hair at the 5:23 minute-mark of the player’s timestamp (Board Review 02). § 87(2)(b) appeared to be laying limply on the ground and was not handcuffed. She only remains in the frame for a few seconds. At the 6:00 minute-mark, Capt. Kalicovic said, “You want to fucking play games, tough motherfucking bitch. There you go, suck your fucking dick...Fuck this motherfucker.”

Capt. Kalicovic had no recollection of interacting with § 87(2)(b) or § 87(2)(b) independently

or after watching the cell phone video and PO Thomas' BWC video (Board Review 06). Capt. Kalicovic identified himself in the videos as the white-shirted officer grabbing § 87(2)(b) and § 87(2)(b) but he was unable to say why he grabbed them by the hair since he did not remember doing so. Capt. Kalicovic acknowledged hearing the profane statement in the BWC video noted above, but he denied saying the statement. Capt. Kalicovic did not know who made that statement.

According to NYPD Patrol Guide Procedure 221-01, officers may use force when it is reasonable to ensure the safety of individuals or to place a person in custody (Board Review 07). In all circumstances, any application of force must be reasonable under the circumstances. If the force is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy.

NYPD Patrol Guide Procedure 200-02 states that the NYPD is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect (Board Review 08).

In NYPD DAO-DCT Case Number 2017-17005, the court maintained that profane remarks are not necessarily misconduct if made during stressful situations or while an officer is trying to get a chaotic situation under control (Board Review 09).

Capt. Kalicovic could not provide a reason or any context for grabbing § 87(2)(b) and § 87(2)(b) hair. Based on video evidence that depicted the force and the fact that no other officer was seen grabbing individuals' hair during this incident, § 87(2)(g)

§ 87(2)(g) the string of profanities that Capt. Kalicovic said to § 87(2)(b) the five uses of "fuck" in multiple variations, the offensive word "bitch," and the crude "suck my dick" § 87(2)(g). For example, as far as was captured on his BWC video, PO Thomas used no profanities while attending to the same situation. § 87(2)(g)

Allegation (G) Force: Police Officer Mauricio Thomas used physical force against § 87(2)(b)

§ 87(2)(b) testified that as PO Thomas escorted him to the prisoner van, PO Thomas pulled § 87(2)(b) arms upward causing him pain (Board Review 04).

PO Thomas' BWC video showed PO Thomas lifting § 87(2)(b) arms at the 6:57 minute-mark (Board Review 02). § 87(2)(b) said, "I'm not resisting. Why are you doing that?" PO Thomas did not answer.

PO Thomas denied pulling § 87(2)(b) arms upward to cause pain (Board Review 05). PO Thomas lifted § 87(2)(b) arms to shift his grip and for no other reason.

Capt. Kalicovic did not witness § 87(2)(b) being escorted to in the prisoner van (Board Review 06).

Although the BWC showed PO Thomas lifting § 87(2)(b) arms, the video did not show in

what position PO Thomas' hands were in before and after lifting his arms. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (Board Review 10).
- § 87(2)(b)
- Cpt. Kalicovic has been a member of service for 17 and has been a subject in 10 additional CCRB complaints and 28 allegations, of which seven were substantiated (Board Review 11):
 - 201402580 involved substantiated allegations of physical force, enter and search of premises, and discourtesy. The Board recommended charges, and the NYPD did not impose discipline.
 - 201505561 involved a substantiated discourtesy allegation. The Board recommended Command Discipline B, and the NYPD did not impose discipline.
- PO Thomas has been a member of service for 14 years and has been a subject in 10 additional CCRB complaints and 16 allegations, of which one was substantiated (Board Review 11):
 - 201800230 involved a substantiated allegation of property damage. The Board recommended Instructions, and the NYPD imposed Instructions.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of February 10, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 12).

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 4

Investigator:


Signature

Inv. Emily Devaney
Print Title & Name

04/01/2022
Date

Squad Leader:

Raquel Velasquez
Signature

IM Raquel Velasquez
Print Title & Name

04/01/2022
Date

Reviewer:

Signature

Print Title & Name

Date